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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR HARARY,

Plaintiff,

-against-

LOLLY TOGS LTD., RICHARD SUTTON
and ALFRED SUTTON.,

Defendants.

07 CV 7878 (JES)

NOTICE OF MOTION


PLEASE TAKE NOTICE, that upon the Summons and Complaint filed in this action, the Affidavit of Neil G. Sparber, sworn to October 11, 2007, and the exhibits thereto, the Memorandum of Law in Support of Motion to Dismiss the Complaint, and upon all prior pleadings and proceedings had herein, defendants Lollytogs Ltd. (“Lollytogs”), Richard Sutton and Alfred Sutton will move this Court at the U.S. Courthouse located at 500 Pearl Street, New York, New York, on a date to be determined by the Court, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, (i) dismissing the second and third claims for relief in their entirety and (ii) dismissing the first claim for relief to the extent that it seeks damages in excess of the agreed upon damages set forth in the employment agreement between Lollytogs and plaintiff, on the ground that the claims fail to state a claim for which relief may be granted.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1, opposition papers, if any, are to be filed on October 25, 2007, and reply papers, if any, are to be filed within five business days after service of the answering papers.

Dated: New York, New York
October 11, 2007

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By: 

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